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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P (S) No. 5010 of 2007**

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| **PETITIONER** | | Jailal Sao, s/o Shri Nirmal Das Sao, aged about 49 years, presently working as Assistant Gram Panchayat Officer, Putka Janpad Panchayat Saraipali, District Mahasamund(CG) R/o Village and Post Bansula District Mahasamund(CG) |
| | | ***Versus*** |
| **RESPONDENTS** | 1 | State of Chhattisgarh, Through Its Secretary Department of Panchayat and Rural Development DKS Bhawan, Mantralaya, Raipur(CG) |
| | 2 | The Chief Executive Officer, Janpad Panchayat Saraipali, district Mahasamund(CG) |

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA**

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**Appearance:**

Dr. Shailesh Ahuja, counsel for the petitioner.
Shri M.P.S.Bhatia, Panel Lawyer for the State on advance copy.

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**ORAL ORDER**
**(03.09.2007)**

**SUNIL KUMAR SINHA, J.**

Heard.

The petitioner, who is working on the post of Assistant Gram Panchayat Officer in Janpad Panchayat, Saraipali, District Mahasamund, has been transferred from the said place to District Dhamtari on the option of Chief Executive Officer, District Panchayat, Dhamatari on administrative grounds.

Learned counsel for the petitioner submits the impugned order has been passed on 29.6.2007, but earlier to this another order dated 26.6.2007 was passed, by which, the petitioner was transferred from Saraipali to Dabhra, but after that the said

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order dated 29.6.2007 has been passed without cancelling the earlier order, therefore, it is a case of malafide.

I have considered the point raised by learned counsel petitioner and have also perused the two transfer orders.

The earlier order dated 26.6.2007 shows that the petitioner was transferred from Saraipali to Dabhra and the later order dated 29.6.2007 also shows that he was transferred from Saraipali to Dhamtari, therefore, it cannot be said that firstly the petitioner was transferred from Saraipali to Dabhra and thereafter from Dabhara to Dhamtari. Had it been the case like that, the later order would have shown the place of posting of the petitioner at Dabhra and from the said place, he would have shown to be transferred to Dhamtari. It appears that after issuance of the earlier order, before its execution and implementation, the subsequent order has been passed. This itself does not show any expressed malafide in transferring the petitioner. In substance, the petitioner has been transferred from Saraipali to Dhamtari on administrative ground and no reasons have been shown to satisfy that either the order was passed on malafides or it has been passed on extraneous considerations or in any manner, it is against the Rules or Act applicable in case of the petitioner.

I do not find any reason to interfere in the order passed on 29.6.2007.

The petition is not worth admission. The same is dismissed at the motion stage itself.

**Sd/-**
**Sunil Kumar Sinha**
**Judge**

sunita